

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/623,777		07/21/2003	Marc Vathauer	PO7754/LeA 36,210	6111	
34947	7590	07/20/2005		EXAMINER		
LANXESS			WOODWARD, ANA LUCRECIA			
111 RIDC PARK WEST DRIVE PITTSBURGH, PA 15275-1112				ART UNIT	PAPER NUMBER	
	,			1711		
				DATE MAILED: 07/20/2005	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner  Ant Unit  Ana L. Woodward  1711  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			Application No.	Applicant(s)						
Ana L Woodward 1711  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edencins of the may be evaluable under the provisione of 37 CPR 1.13(e). In no event, however, may e reply be timely filed sher SX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less the hirty (30) days, a reply within the standardy minimum of stanty (30) days will be considered timely.  If the period for reply specified above is less than three modes are the file of the specified for reply will be standardy minimum of standardy minimum of standards on the minimum of the communication.  If the period for reply specified state than three modes after the mailing date of this communication, she that the standard period for reply will be standardy minimum of their Communication.  Any reply received by the Office lister than three modes after the mailing date of this communication, even if timely filed, may reduce any search patient term seljustment. See 37 CFR 1.704(b).  Status  1) A Responsive to communication(s) filed on May 1, 2005  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) Solar explication is a condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  (Claim(s) Solar explication is a condition for allowance except for formal matters, prosecution as to the merits is closed.  (Claim(s) Solar explication is a condition for allowance except for formal matters, prosecution as to the merits is considered in the provision of the a	Office Action Summary		10/623,777	VATHAUER ET AL.						
			Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE			Ana L. Woodward	1711						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE  MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after 50x (b) MONTHS from the mailing date of this communication.  Fallows for five may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after 50x (b) MONTHS from the mailing date of this communication.  Fallows to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 113). Any reply received by the Office later than three menting after the mailing date of this communication, even if timely filed, may reduce any example patent term adjustment. See 37 CFR 1.764(b).  Status  1) Responsive to communication(s) filed on		- The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address	} <i></i>					
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be variables under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (s) MOTHS from the mailing date of this communication.  If the period for reply is specified above, it bees that mity (30) days, a reply within the statutory princing of the provision o			CIS SET TO EXPIRE MON	, JTH(S) FROM						
This action is FINAL.   2b \[ \] This action is non-final.   3 \[ \] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims   4 \[ \] Claim(s)   \frac{5-16}{5-16}  is/are pending in the application.   4a) Of the above claim(s)   is/are withdrawn from consideration.   5 \[ Claim(s)   \frac{5-16}{5-16}  is/are rejected.   7 \[ Claim(s)   \frac{5-16}{5-16}  is/are objected to.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are rejected.   7 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are rejected.   7 \[ Claim(s)   \frac{5-17}{5-16}  is/are rejected.   7 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are rejected.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}  is/are objected to by the Examiner.   8 \[ Claim(s)   \frac{5-17}{5-16}	THE N - Extens after S - If the p - If NO p - Failure Any re	MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, the ply received by the Office later than three months after the mailing	i6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this commun D (35 U.S.C. § 133).	ication.					
2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 5-1/b is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to .  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	Status		1							
2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 5-10 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to .  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	1)🛛	Responsive to communication(s) filed on	lay 11, 2005							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 5-6 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).										
Disposition of Claims  4) Claim(s)   5-	3)□`	ince this application is in condition for allowance except for formal matters, prosecution as to the merits is								
Claim(s)   5- b  is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed. 6) Claim(s)   5- b  is/are rejected. 7) Claim(s)   5- b  is/are rejected. 7) Claim(s)   5- b  is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.									
4a) Of the above claim(s) is/are withdrawn from consideration.  5)	Dispositio	on of Claims								
4a) Of the above claim(s) is/are withdrawn from consideration.  5)	4) X Claim(s) 15-18 is/are pending in the application.									
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	77 4	4a) Of the above claim(s) is/are withdrawn from consideration.								
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	5)□									
8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	,	6)⊠ Claim(s) 15-18 is/are rejected.								
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	•	7) Claim(s) is/are objected to.								
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	8)	Claim(s) are subject to restriction and/or	r election requirement.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	Application	on Papers								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	9)[] 7	The specification is objected to by the Examine	r. ·							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	10)□ 7	·— ·								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).										
Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).										
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	11)[1	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-18	52.					
<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>	Priority u	nder 35 U.S.C. § 119		•						
<ol> <li>Certified copies of the priority documents have been received.</li> <li>Certified copies of the priority documents have been received in Application No</li> <li>Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol>	12) 🗌 A	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	)-(d) or (f).						
<ul> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>	·									
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		<ol> <li>Certified copies of the priority documents</li> </ol>	s have been received.							
application from the International Bureau (PCT Rule 17.2(a)).	;		· · ,							
•••	,		•	ed in this National Stag	е					
See the attached detailed Office action for a list of the certified copies not received.	•••									
	. 3	ee the attached detailed Office action for a list (	of the certified copies not receive	eu.						
Attachment(s)	Attachment	(s)								
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)	1) Notice	of References Cited (PTO-892)								
					<b>)</b>					
Paper No(s)/Mail Date 6) Other:										

#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,849,474 (Gallucci).

Gallucci et al disclose moisture resistant polyamide compositions comprising a polyamide, reading on presently claimed component (A), and a polyhydric phenol, reading on the presently claimed component (D). The amount of polyhydric phenol is generally from about 0.5 to 30 percent by weight, based on the combined weight of phenol and polyamide (column 5, lines 11-19). Furthermore, the polyamide composition can comprise up to 50% by weight, based on the total composition, of a rubbery impact modifier. Suitable impact modifiers include EPDM rubbers (column 5, lines 20-44). Optionally, fillers, such as glass fibers, glass spheres, and etc., can be incorporated into the composition.

In essence, the disclosure of Gallucci differs from the present claims in not expressly exemplifying an embodiment containing an ethylene-based rubber, corresponding to applicants' component (B). It would have been obvious to one having ordinary skill in the art to have employed an ethylene-based rubber, reading on the presently claimed component (B), as an impact modifier because patentees disclose it as a suitable impact modifying material.

Accordingly, no patentability can be seen in the presently claimed subject matter.

Application/Control Number: 10/623,777 Page 3

Art Unit: 1711

## Response to Amendment

3. Applicant's amendments to include "consisting essentially of" filed May 11, 2005 have effectively overcome the Gallucci '272 rejection.

#### Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/623,777

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ana L. Woodwark

Page 4

Examiner

Art Unit 1711

\*\*\*